REMARKS

The objection to the specification under 37 CFR 1.182(d) and the objection to the specification on pages 2, 3, 5, 7, 11, 12 and 18, has been noted. Applicant has amended the specification to overcome the objections raised by the Examiner on each of these pages as well as to correct page 1 to reflect the status of application Serial Nos. 08/568,310 and 09/270,455 as requested by the Examiner.

Accordingly, objection to the specification should now be withdrawn.

The rejection of claims 18-20 and 22-23 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully traversed.

Applicant has amended claims 18, 21, 22 to remove the indefiniteness in claim 18 and to include the steps which the Examiner has indicated are omitted from claim 21. The wording in the parenthesis "(especially squamous, epithelial carcinoma)" in claim 22, has been deleted. Accordingly, the rejection of claims 18-20 and 22-23 under 35 USC 112, second paragraph, should now be withdrawn.

The claims 18-23 have also been rejected under 35 USC 112, first paragraph, for not reasonably providing enablement for an antibody with binding affinity to a calcium-binding protein comprising an amino acid sequence, which is substantially identical to the amino acid sequence listed in SEQ ID No: 1 or 12 or a method for producing a monoclonal antibody with binding affinity to a calcium binding protein. This apparent lack of enablement has been corrected in the amendment of claims 18 and 21. Accordingly, the rejection of claims 18-23 under 35 UCS 112, first paragraph, should now be withdrawn.

The rejection of claims 18-23 under 35 USC 112, first paragraph, as containing subject matter not described in the specification in such as way as to reasonably convey to one skilled in the art that the inventor at the time the application was filed had possession of the claimed invention, is respectfully traversed, in that claim 18 has now been corrected to specify the amino acid sequence shown in SEQ ID NO: 1 or 12.

The rejection of claim 21 under 35 USC 102(b) as being anticipated by Pardue et al (1983), is respectfully traversed.

The Pardue et al (1983) reference admittedly describes an monoclonal antibody to Calmodulin, but Calmodulin is not CAAFI, defined by SEQ ID NO: 1 or 12. Accordingly, this rejection should be withdrawn.

Claims 18-19 and 22-23, stand rejected under 35 USC 102(b) as being anticipated by Guignard et al (European Journal of Clinical Investigation, Vol. 24, Suppl. 2, pages 211, 1994) as is evidenced by Guignard et al (July 1995), Yamamura et al and the specification on pages 2, lines 7-35. This rejection is respectfully traversed.

The Guignard et al (1994) reference describes that polyclonal antibody to MRP-8 cross-reacts with p6, and the Guignard et al (1995) describes that an N-terminal sequence of the p6 is the same as that of CAAF1. Therefore, the Guignard et al references do not describe an antibody raised against CAAF1. Accordingly, antibody of the present invention is clearly not taught in the Guignard et al reference and the rejection should be withdrawn.

The rejection of claims 18-20 and 22-23 under 35 USC 102(b) as being anticipated by Kelly et al (J. Patho. 1989) as is evidenced by Guignard et al (Immunol Cell Biol. 1996, Feb. 74(1):105-7; Guignard et al (July 1995); Yamamura et al and the specification on page 2, lines 7-35 is respectfully traversed.

Kelly et al (J. Pathol. 1989) describes a monoclonal antibody MAC387 to Calgranulin A, B. Guignard et al (Immunol. Cell Biol. 1998) describes that the MAC387 binds to p6 protein. N-terminal amino acid of the p6 protein was reported in Guignard et al. (Biochem. J. 1995), and this is the same as that of CAAF1 (Yamamura et al. BBRC 1996). In these references, the reactivity is mere cross-reactivity. In addition, in Fig. 1(b) in Guignard et al (Biochem. J. 1995, the MAC387 does not react with the p6 protein. Therefore, the antibody in claim 18 raised against CAAF1 is distinguished from the antibodies described in these citations.

Accordingly, the rejection of claims 18-20 and 22-23 as being anticipated by Kelly et al should be withdrawn.

Reconsideration and allowance of claims 1-24 is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Sequence Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on September 19, 2005.

IN THE DRAWINGS

Applicant has attached new Figs. 3A and 3B for Fig. 3 of record.